

## KANSAS' WEIRD PLAN TO LEGALIZE THE TEN COMMANDMENTS.



THE PROPOSED PENALTIES FOR

## ABSURD, SAYS DR. POTTER.

The enactment of the Ten Commandments into statute laws by any State is to take no steps toward their real enforcement. Human nature is so constituted that violations more flagrant than ever are likely to result.

The enactment of any rule whereby habits or principles are to be fostered or controlled is worse than useless. Morality and religion do not come by legislation. No character or personality was ever changed by statute.

The Kansas man is only saving a crop of trouble for his constituents and ridicule for the Mosaic law. D. C. POTTER, D. D.

WHEREAS, The men of the present generation have become scoffers and doubters; and "Whereas, They have strayed from the religion of their fathers; and "Whereas, They no longer live in the fear of God; and

"Whereas, Having no fear of punishment beyond the grave, they continually violate the law given to the world from Mount Sinai; therefore be it enacted by the Legislature of the State of Kansas. (Here follow the Ten Commandments.)

The above remarkable bill was introduced into the lower body of the Kansas Legislature last week by Representative C. R. Walters, of Labette. Kan. The bill was read for the second time and referred to the Committee on General Judiciary, the chairman of which promises to make an early report.

Absurd as the bill is, there is bound to be a lively discussion over the measure when

it comes up for the third time with the committee recommendations. Walters is earnest and serious in his support of the bill, and Representative Hackney, chairman of the Judiciary Committee, thinks he sees in it an opportunity to inject a little fun into the ordinary monotony of legislative proceedings.

To one not skilled in the law it would at first glance appear that the measure would be at variance with the Constitution of the United States. When this country was organized into an individual Government one of its cardinal principles was absolute freedom in religious worship. The first settlers of many of the original colonial settlements came to the new world that they might avoid the antagonism to their particular form of religion that persecuted them in the mother country. It has always been the boast of the nation in times of religious strife and dissension that all creeds were equally entitled to a place here, and that a man's religion, like his conscience, was a matter apart from the law, and for which he was responsible only to his God.

But there is nothing in the United States Constitution forbidding a Commonwealth to adopt any particular form of religion. Article 6 of the Constitution says that officials of the Government shall be bound by an oath, "but no religious test shall ever be required as a qualification to any office or public trust under the United States."

In Article 3 of Section 3 of the Constitution of the State of New York absolute religious liberty is given to citizens of the State. Similar laws are in force in many of the States of the Union, but it lies with the State governments whether or not such statutes shall be enacted and enforced.

Consequently there could be no legal barrier to the enactment of the Ten Commandments as a law, as is proposed by the Kansas legislator.

An interesting part of Mr. Walters' proposed statute is the punishment prescribed for violators of the different commandments. For Section 1 the penalty is a fine of \$1,000; Section 2, fine of \$1,000

and one year in the penitentiary; Section 3 and 4, a fine of \$500; Section 5, \$500 fine and six months in the penitentiary; Section 6, hanging by the neck until dead; Section 7, penitentiary for life; Section 8, fine or imprisonment, in the discretion of the Court; Section 9, imprisonment, in the discretion of the Court; Section 10, fine and imprisonment, in the discretion of the Court.

Sections 3, 4, 5, 7, 8 and 9 are already in the Criminal Code in every State in the Union. The Third commandment, prohibiting profanity, was embodied in one of the old Blue Laws of commandment, relating to the observance of the Sabbath, is not so strictly followed, to see a district attorney trying to secure a

## PROPOSED PENALTIES FOR BREAKING THE COMMANDMENTS.

- 1.—Thou shalt have no other gods before me. —\$1,000 fine.
- 2.—Thou shalt not make unto thee any graven image, etc. —\$1,000 fine and one year in the Penitentiary.
- 3.—Thou shalt not take the name of the Lord, thy God in vain, etc. —\$500 fine.
- 4.—Remember the Sabbath Day, to keep it holy, etc. —\$500 fine.
- 5.—Honor thy father and thy mother. —\$500 fine and six months in the penitentiary.
- 6.—Thou shalt not kill. —Death by hanging.
- 7.—Thou shalt not commit adultery. —Imprisonment for life.
- 8.—Thou shalt not steal. —Fine or imprisonment at discretion of Court.
- 9.—Thou shalt not bear false witness. —Imprisonment at discretion of Court.
- 10.—Thou shalt not covet. —Fine and imprisonment at discretion of Court.



THE FATHER OF THE BILL



BREAKING THE TEN COMMANDMENTS

as the Mosaic law commands, but in a modified form it is in force throughout the Union. The laws on murder, adultery and perjury are well known.

Several interesting questions would be raised by the passage of Walters' bill. For instance, the first, second and tenth commandments control the action of the mind. There would be no way of determining or proving guilt except by the confession of the accused, and the first law of evidence is that no man need give testimony against himself. It would be rather difficult as well as amusing

to see a district attorney trying to secure a conviction in a case where a prisoner was charged with the unlawful covering of his neighbor's possessions. Coveting to the extent of taking is covered in the commandment prohibiting theft, consequently the tenth commandment can hardly be taken to mean other than envy at another's good fortune. There are few men and women in the world who have not at some time been guilty of such an offence, but to prove it would be another proposition.

Then, again, the enactment of the commandments would be in conflict with existing laws. There are several degrees of murder, yet Representative Walters makes no provision for distinction of the different grades, but says that the offender shall be hanged by the neck until dead. There are also State statutes for the punishment of Sabbath breaking, adultery, theft and perjury, in which the punishment is prescribed in proportion to the degree of guilt proven. These existing laws would be in direct conflict with Representative Walters' bill. There is nothing in it providing for the repeal of the laws already made, and the interesting question presents itself: Could an accused indicate his preference and be tried under whichever laws were the most favorable to his case?

There is, however, no probability of the measure being passed. Walters is regarded as a harmless crank, whose monomania is either for religion or a desire for notoriety.

Mr. Walters' bill will work a revolution in the universal punishment for certain offences. For instance, Sabbath breaking in many States is punishable by imprisonment and in others with both imprisonment and fine. Mr. Walters prescribes simply a fine.

For breaking the injunction against theft the offender may be either fined or imprisoned, at the discretion of the court, but it does not say that both may be meted out. In this State larceny in various degrees is punishable with imprisonment.

On the other hand, coveting, a new ad-

## ILLEGAL, SAYS MR. HUMMEL.

An analysis of the bill passed by Mr. Walters shows it to be glaringly unconstitutional from whatever standpoint it is viewed.

No one can interfere with the religious scruples of a good citizen; and if one is told by legislative enactment "thou shalt have no other God before me," as is directed in the first commandment, it would be very difficult to push the truly good and moralistic who is a good citizen, a possibly more faithful to the interests of his State and country than a canting, hypocritical Pharisee, who might be at heart a violator of still more flagrant laws. A. H. HUMMEL.

dition to the list of crimes and comparatively inoffensive except in extreme cases, is punishable by both fine and imprisonment.

There is no doubt that the remark of the chairman of the Judiciary Committee, in effect that he detected in the bill an opportunity for fun, will occasion a much more bitter fight than would have otherwise occurred. In many of the rival western districts churches practically control the politics, and the church votes are all powerful. If the remark should be taken as offensive several of the Representatives might be compelled to argue and vote in its favor to save their political heads. It is only a possibility, true, but great movements have had their origin in occurrences equally trivial.

Mr. Walters' bill is the top notch of freak legislation, a number of instances of which were published in the Sunday Journal of March 28.

## WOULD BRAND ALL THIEVES.

There was recently introduced in the Kentucky Legislature a bill providing for the branding of all burglars who were committed to the penal institutions of the State. The measure directs that all such convicts shall have the letter "B" branded on both cheeks during their incarceration. The purpose of the father of the bill is to forever separate such criminals from honest men and prevent them from hiding

and drive men to more desperate crimes after their release, for the brands would be a barrier to a life of anything same crime. Of course, the mark would be valuable frequently as a means of identification. For instance, if a Kentucky gentleman should be returning home in the early hours from a sociable game of American draw at his club, or some other little entertainment, and should meet a strange man in the hall carrying of the family plate and valuables, all he would have to do to verify his suspicions that the man was a burglar would be to look at his cheeks. If the letter "B" stood out branded on each side, he need doubt no longer. The intruder is a thief, and to prove his identity the State of Kentucky has burned in its affidavit that thieving is his regular vocation.

On the other hand, it is not impossible

## MEAN TRICK ON A HEN.

There is an ancient proverb that sniffs at the counting of chickens before they are hatched. While the process of enumeration is known to be highly speculative, science has entered the barnyard, and announces its ability not to count chickens before they are hatched, but to go one step better, and count, and with accuracy, the eggs before they are laid.

It is by the aid of the marvellous X-ray, at which no one longer marvels, that the poultryman on a large scale is enabled to ascertain unerringly the productive ca-

pacities of his fowls. It was Rudolph Spreckels, of California, son of the sugar king, to whom this novel idea must be credited. He is the owner of a vast poultry farm, on which 10,000 gaudy chickens and cackling hens scratch and seek the early worm. The hen that does not lay eggs does not perpetuate her species, hence she is not commercially valuable, being fit only for the pot or the boiler, and that is an end to her usefulness and her money-making qualities. But the hen that lays—she is indeed a joy for years.

It appears that the percentage of sterile

whole would be materially reduced. A nest to most surveillance was impossible. The unprofitable hen might live in idleness and luxury undetected for an indefinite period. Mr. Spreckels had read of the location of vagrant bullets, stray buttons and elusive fish bones in the human frame by means of the radiograph. Why not cause the hen to give up its secrets? Two experts in the use of the Roentgen rays were called in. They stated that they believed they would

be able to differentiate the layers from the non-layers. By way of experiment a half-dozen chickens were selected from the ranch and placed before a fluorescent screen. Of these the first four were found to contain eggs. The other two appeared to be barren. The proof of the finding was in the killing of the hens. The X rays had revealed truth. The next day hens of known reputation—both good and bad—were selected, and the results shown by

the radiographs were verified by post-mortem examination.

As a result, an X-ray plant was established at the Spreckels ranch, and the work of examining the 10,000 hens was commenced. About thirty hens each hour can be submitted to this rigid examination. There has been a glut in the dressed poultry market of San Francisco in consequence of the untimely end of such hens as were found not to be earning their oats.



## Another Queer Western Bill to Brand Thieves.

their past. The bill will be up for passage, or rejection during the present session of the Kentucky Legislature.

Its probable fate is a problem. It has many supporters and many enemies. Chief among the latter are the optimists who believe that criminals can and will reform under proper influences and circumstances. In such instances, they claim, the branding would be an outrage. It would prevent their living a decent, honest life even if they were so inclined. It would also, they

in these days of ingenuity and invention to circumvent the designs of Providence in the form of the official brander of the State. Skin grafting is as common an operation these days as the pulling of an aching molar, and as released convicts could at a reasonable expense have the brand cut out and new skin grafted in its place. And thus would the ends of justice be defeated. There are arguments on both sides of the measure, and the supporters of each will lose them at each other with vehemence and earnestness when the bill comes up for passage.

It appears that the percentage of sterile

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